

**REMARKS**

The Official Action mailed June 4, 2002 has been received and its contents carefully noted. This response is filed within three months of the mailing date of the O/a and thus Applicant respectfully submits that this response is being timely filed without extension of time.

Applicants note with appreciation the consideration of the Information Disclosure Statement filed on March 29, 2001.

Claims 1-8 were pending in the present application prior to this amendment. Independent claims 1 and 5 have been amended and new claims 9-32 have been added to recite additional protection to which applicant is entitled. For the reasons set forth below all claims of the present application are believed to be in condition for allowance.

The Official Action rejects claims 1-8 under the doctrine of obviousness-type double patenting based on claims 1-11 of U.S. Patent 6,219,127. Specifically, the Official Action asserts that substituting liquid crystal material for EL material would have been common knowledge.

Applicant respectfully disagrees. As stated in MPEP § 2143-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In the present application, it is respectfully asserted that the subject claims are narrower than the claims of the '127 patent and that there has been an insufficient showing that one of skill in the art would have been motivated to modify the teachings of claims 1-11 of the '127 patent to achieve an EL display device. As noted in MPEP 2142: "The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. 'To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.' *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)." Although the Official Action asserts that "substituting liquid crystal material for EL material would have been common knowledge," it is submitted that the claims of the '127 patent fail to expressly or impliedly suggest the use of an EL material and that the examiner has not provided a convincing line of reasoning as to why the use of an EL material would have been obvious to one of skill in the art. Favorable reconsideration is requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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**MARKED-UP VERSION OF THE CLAIMS**

1. (Amended) An EL display device comprising:

a first substrate and a second substrate being bonded to each other with a [predetermined] gap provided therebetween;

a pixel matrix circuit and a driver circuit for driving the pixel matrix circuit, each of the pixel matrix circuit and the driver circuit being formed over the first substrate;

an adhesive layer being formed closely to the sides of portions of the first and second substrates opposed to each other; and

a tape being formed closely to the adhesive layer.

5. (Amended) An EL display device comprising:

a first substrate and a second substrate being bonded to each other, said first and second substrates being opposite to each other with a [predetermined] gap provided therebetween;

a pixel matrix circuit and a driver circuit for driving the pixel matrix circuit, each of the pixel matrix circuit and the driver circuit being formed over the first substrate;

an adhesive layer being formed closely to the sides of the first and second substrates; and

a frame member being formed closely to the adhesive layer.